

## **IC 31-19-16.5**

### **Chapter 16.5. Postadoption Sibling Contact**

#### **IC 31-19-16.5-1**

##### **Order for postadoption sibling contact**

Sec. 1. At the time an adoption decree is entered, the court entering the decree may order the adoptive parents to provide specific postadoption contact for an adopted child who is at least two (2) years of age with a pre-adoptive sibling if:

- (1) the court determines that the postadoption contact would serve the best interests of the adopted child; and
- (2) each adoptive parent consents to the court's order for postadoption contact privileges.

*As added by P.L.196-1997, SEC.11.*

#### **IC 31-19-16.5-2**

##### **Determination by court; considerations**

Sec. 2. In making its determination under section 1 of this chapter, the court shall consider any relevant evidence, including the following:

- (1) A recommendation made by a licensed child placing agency sponsoring the adoption.
- (2) A recommendation made by the adopted child's court appointed special advocate or guardian ad litem.
- (3) A recommendation made by the county office of family and children or other agency that prepared a report of its investigation and its recommendation as to the advisability of the adoption under IC 31-19-8-5.
- (4) Wishes expressed by the adopted child or adoptive parents.

*As added by P.L.196-1997, SEC.11.*

#### **IC 31-19-16.5-3**

##### **Effect of noncompliance with order**

Sec. 3. If postadoption contact is ordered under this chapter, the adoption is irrevocable even if the adoptive parents do not abide by the postadoption contact order.

*As added by P.L.196-1997, SEC.11.*

#### **IC 31-19-16.5-4**

##### **Persons entitled to file petition to vacate or modify order**

Sec. 4. The following persons may file a petition requesting that the court vacate or modify a postadoption contact order with a pre-adoptive sibling or to compel an adoptive parent to comply with the postadoption contact order:

- (1) A pre-adoptive sibling by:
  - (A) next friend; or
  - (B) guardian ad litem or court appointed special advocate.
- (2) The adopted child by:
  - (A) next friend; or
  - (B) guardian ad litem or court appointed special advocate as

described in section 5 of this chapter.

(3) An adoptive parent.

*As added by P.L.196-1997, SEC.11.*

#### **IC 31-19-16.5-5**

##### **Vacation or modification of order; time; appointment of guardian ad litem or advocate**

Sec. 5. The court may vacate or modify a postadoption contact order entered under this chapter at any time after the adoption if the court determines, after a hearing, that it is in the best interests of the adopted child. Before hearing the petition to:

(1) vacate or modify; or

(2) compel compliance with;

the postadoption contact order, the court may appoint a guardian ad litem or court appointed special advocate to represent and protect the best interests of the adopted child. However, the court may only appoint a guardian ad litem or court appointed special advocate for the adopted child under this chapter if the interests of an adoptive parent differ from the child's interests to the extent that the court determines that the appointment is necessary to protect the best interests of the child.

*As added by P.L.196-1997, SEC.11.*

#### **IC 31-19-16.5-6**

##### **Guardian ad litem or court appointed special advocate**

Sec. 6. The provisions regarding the representation, duties, and appointment of a guardian ad litem or court appointed special advocate by a juvenile court described under IC 31-32-3 apply to postadoption contact proceedings under this chapter.

*As added by P.L.196-1997, SEC.11.*

#### **IC 31-19-16.5-7**

##### **Violation of order; prohibited penalties**

Sec. 7. The court may not:

(1) award monetary damages; or

(2) revoke an adoption decree;

if the court finds that a postadoption contact order entered under this chapter has been violated.

*As added by P.L.196-1997, SEC.11.*